

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

CURTIS STEWART, Register No. 182472,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4204-CV-C-SOW
)	
DAVE DORMIRE, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Curtis Stewart, an inmate confined in a Missouri penal institution, brought this case under the Civil Rights Act of 1871, 42 U.S.C. § 1983, and its corresponding jurisdictional statute, 28 U.S.C. § 1343. This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

On March 27, 2006, plaintiff filed a motion seeking guidance as to procedures for appealing the Court's denial of his motions for preliminary injunctive relief. This court cannot provide plaintiff with legal advice. The Federal Rules of Appellate Procedure provide the rules for filing an appeal. Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

On March 27, 2006, plaintiff filed a motion to produce discovery. Plaintiff's motion is premature. Plaintiff must follow the discovery schedule as set forth in the April 20, 2006 Pretrial Scheduling Order.

On March 27, 2006, plaintiff filed a motion to amend, seeking to identify John and Jane Doe defendants in his complaint as Wendell Enloe, Richard Jones, Lt. Robert Walling, Lt. Corser, David Murphy, Nina Branson, Jerry Ellison, Tom Koch, Timothy Bax, Henry

Jackson and Stanley Swicord. Plaintiff's motion will be granted; however, further amendments to plaintiff's extensive list of defendants and claims will not be granted, absent exceptional circumstances.

On January 7, 2006, plaintiff was granted leave to proceed against numerous defendants, including L. Wright and Wanda Laramore. Counsel for Missouri Department of Corrections defendants has advised that L. Wright and Wanda Laramore are believed to be Correctional Medical Services personnel, and therefore, he is not waiving service of process on their behalf.

IT IS, THEREFORE, ORDERED that within thirty days, Correctional Medical Services notify the court, in writing, whether or not it will waive service of process on behalf of defendants L. Wright and Wanda Laramore. It is further

ORDERED that plaintiff's motion to amend is granted and the Clerk of Court is directed to modify the docket sheet to reflect that the John and Jane Doe defendants have been identified as Wendell Enloe, Richard Jones, Lt. Robert Walling, Lt. Corser, David Murphy, Nina Branson, Jerry Ellison, Tom Koch, Timothy Bax, Henry Jackson and Stanley Swicord [35]. It is further

ORDERED that within thirty days, the Attorney General of Missouri notify the court, in writing, for which defendants he will and will not waive service of process. It is further

ORDERED that defendants Wendell Enloe, Richard Jones, Lt. Robert Walling, Lt. Corser, David Murphy, Nina Branson, Jerry Ellison, Tom Koch, Timothy Bax, Henry Jackson and Stanley Swicord answer or otherwise respond, pursuant to Fed. R. Civ. P. 4 and 12, within sixty days, if service of process is waived, or within twenty days after service of process, if service of process is not waived. It is further

ORDERED that plaintiff's motion to produce discovery is denied, without prejudice [36]. It is further

ORDERED that plaintiff's motion seeking legal advice is denied [34].

Dated this 8th day of May, 2006, at Jefferson City, Missouri.

/s William A. Knox
WILLIAM A. KNOX
United States Magistrate Judge